



# Proclaiming an Emergency

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## Emergency Management Division Washington Military Department

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### Local Actions

Washington State law gives local jurisdictions the responsibility for protecting their citizens. It also provides great flexibility in paying for such costs when a disaster occurs requiring local action beyond normal capabilities, provided that local officials issue a proclamation of emergency or resolution.

### Local Proclamation or Resolution

A local proclamation authorizes the emergency use of local resources and allows emergency expenditures, as well as waiving the normal bid procedures, if necessary. A local proclamation is a prerequisite for some state or federal assistance during emergencies.

### Emergency Powers

The Revised Code of Washington (RCW) has specific sections that deal with emergency powers for local governments. These sections affect political subdivisions as shown below:

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|-----------------------------------|------------------|
| ▪ Cities under 300,000 population | RCW 35.33.081    |
| ▪ Cities over 300,000 population  | RCW 35.32A.060   |
| ▪ Counties                        | RCW 36.40.180    |
| ▪ All political subdivisions      | RCW 38.52.070(2) |

Generally, before requesting state assistance or a Governor's Proclamation of a State of Emergency, all local resources are committed and effective response is beyond the capabilities of the affected local jurisdiction. Local resources include those owned by the local jurisdiction or private sources obtained with local funds. Mutual aid or interlocal agreements should be considered as well. This commitment of resources can create a severe financial strain that can be overwhelming to long-term recovery.

### State Actions

The state may respond even if a Governor's Proclamation is not issued. Any response under the Washington State Comprehensive Emergency Management Plan or any special contingency plan can be initiated without a proclamation of emergency.

### Governor's Proclamation

Washington State law allows the Governor to proclaim a State of Emergency after finding that a natural, technological or human-caused disaster or emergency exists that affects life, health, property, or the public peace. A State of Emergency can be declared for the entire state or a specific community and is effective only within the area described in the proclamation or subsequent amendments.

The proclamation will indicate the activation of the state's Comprehensive Emergency Management Plan and authorization for use of appropriate state resources.

**Governor's Powers**

The Governor has widespread powers after proclaiming an emergency. When the law was written in 1969, those powers were aimed at curtailing civil unrest. In recent years, however, a proclamation often is issued in response to more typical emergencies faced in the state such as floods and wildland fires.

Circumstances for which the governor might proclaim a State of Emergency include:

- Recognizing a situation has the potential for overwhelming the capabilities and resources of the affected communities.
- Use of the Washington National Guard or making extraordinary use of state resources to assist affected communities. Use of the National Guard can be accomplished by "order of the governor" and does not require an emergency proclamation.
- Pursuing appropriate federal assistance for emergency response or disaster relief programs, including obtaining Federal Highway Administration's Emergency Relief Program funding for road damages.
- Reassuring the public that the state is responding with all available resources to protect the public health and safety.

**State Assistance Supplements Local Capacity**

A proclamation does not imply that the state will reimburse the local costs of responding to or recovering from an emergency. If other assistance is not available, the cost of recovery is borne by the individual; local and state governments; businesses and industry; and Indian Tribes. State assistance is supplemental to the local capacity to recover from disasters.

The Washington Military Department, Emergency Management Division (EMD), prepares the Governor's Proclamation based upon the documentation gathered from the local emergency management offices and government agencies. Initial documentation from local emergency management offices is necessary very early during the response phase to meet certain federal criteria for requesting federal assistance.

**Contact**

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